

PUBLIC NOTICE OF A PROPOSED HAZARDOUS WASTE EXEMPTION REISSUANCE

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 6
1201 ELM ST
DALLAS, TEXAS 75270

The U.S. Environmental Protection Agency (EPA), Region 6, proposes to reissue an exemption to the land disposal restrictions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) to the Resource Conservation and Recovery Act (42 U.S.C. §6901, et seq) for the following facility:

Applicant: Dow Chemical Company Texas Operations
5470 North Twin City Highway Suite A, P.O. Box 1646
Nederland, Texas 77627

Facility Location: Dow Beaumont Aniline
5470 North Twin City Highway Suite A, P.O. Box 1646
Nederland, Texas 77627

Wells: WDW-188
WDW-391

Development of the proposed decision was based on a detailed technical review of the submitted reissuance request with supporting documents.

The land disposal restrictions of HSWA prohibit the injection of restricted hazardous waste. However, these amendments provide that an exemption to these restrictions may be granted if the Administrator determines that the method of land disposal (i.e., injection well) is protective of human health and the environment. A method of land disposal may not be determined to be protective, "unless, upon application by an interested person, it has been demonstrated to the Administrator, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous" (42 U.S.C. §6924(g)(5)). Regulations establishing the criteria for petitioning for an exemption to the land disposal restrictions were published in Volume 53, Number 143 of the Federal Register, July 26, 1988, [53 Fed. Reg. 28118 (1988)]. These regulations are now codified at 40 C.F.R. Part 148. Dow Chemical Company Texas Operations successfully demonstrated its first injection well, WDW-188, at the Nederland, Texas facility and obtained an exemption to the land disposal restrictions on August 14, 1991. The petition was reissued on November 21, 2001 with included modeling for an undrilled replacement WDW188, and an undrilled new well, WDW391. This was followed by Non-substantive No-Migration Petition Revision Request for Petition Approval Condition No. 5 to add waste codes, approved on December 12, 2001.

The regulations described above also allow for reissuance of an approved petition if the reissuance also meets the no migration criteria in these regulations. Dow Chemical Company has demonstrated that their approved no migration petition continues to remain valid with the currently requested changes to their existing petition which are adding more waste codes, decreasing injectate volume limits from 700 gallons per minute (gpm) to 650 gpm for all wells injecting into the Frio interval, revising the injectate specific gravity range based on a three-whole calendar month volume-weighted average specific gravity range of 0.986 to 1.075 gm/cc with a reference temperature of 70°F, and extending the operating life of the wells from December 31, 2020 to December 31, 2040.

All persons, including the applicant, who wish to comment on the proposed decision to reissue the exemption, may submit comments along with their name and address to the EPA address shown below. All written comments must be postmarked by March 13, 2023, to be considered in formulating a final decision. A final decision to approve or deny the reissuance will be made after the close of the comment period, which ends at the close of business on March 13, 2023.

EPA is not required to hold a public hearing. However, if there is sufficient public interest in this proposed decision, EPA may hold a public hearing. Anyone desiring such a hearing must submit a written request, identifying the issue(s) for discussion at the hearing, to the EPA office in Dallas, Texas, before the close of business on March 13, 2023. EPA will give at least 30 days' notice of the public hearing if the hearing is held.

Written comments, requests for information regarding the Agency's decision on this reissuance, and requests for copies of the fact sheet (description of the reasons supporting the proposed decision) should be sent to EPA Region 6 at the address shown below. Information on the Agency's decision may also be obtained by contacting Lauren Ray at (214) 665-2756 or ray.lauren@epa.gov.

U.S. EPA Region 6
Lauren Ray (WDDG)
1201 Elm Street, Suite 500
Dallas, TX 75270-2101

The administrative record for this reissuance decision is available for review beginning January 26, 2023, between 8:00 a.m. and 4:00 p.m., Monday through Friday, for the extent of the comment period at EPA's Dallas office shown above. A copy of the reissuance documentation is also available for review during regular business hours at the following location:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270
(214) 665-6639

Pertinent EPA comments and public hearing procedures may be found in 40 C.F.R. §124.10 and §124.12.

The EPA will notify the applicant and each person who has submitted written comments of the final reissuance decision. The final decision will also be published in the Federal Register.